



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Paper No. 14

In re Application of  
N. Parker Willis et al  
Serial No. : 09/128,304  
Filed : August 3, 1998  
For : Dynamically Alterable Three-Dimensional Graphical Model of a Body Region

: DECISION ON PETITION  
: TO WITHDRAW  
: HOLDING OF  
: ABANDONMENT

This is a decision on petitioner's request filed July 29, 2002, to review the holding of abandonment mailed June 4, 2002, for failure to respond to the Office action mailed October 23, 2001. The basis for the request is that applicant did not receive the Office action mailed October 23, 2001. There is no fee required for this petition.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53.

The request filed July 29, 2002, includes all the above elements. In fact, since on October 15, 2001 the application was transferred from one law firm to another at the instructions and authorization of the assignee (revocation of power of attorney although mailed January 2, 2002 was not received until February 19, 2002), the submission includes documentation from both law firms. Further, a review of the file shows that both copies of the action in question are still in the file. The request is therefore GRANTED. Upon the mailing of this decision, the application will be forwarded to the appropriate Legal Instruments Examiner to have the Office's communication of October 23, 2001, remailed.

Summary: Holding of Abandonment Withdrawn.

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